IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

WEDNESDAY, THE 19TH SEPTEMBER 2007 / 28TH BHADRA 1929

WP(C).No. 23203 of 2007(K)

PETITIONER:

P.AUSTIN, S/O. PALOO, AGED 56 YEARS,
TC 14/1263 (3), OBSERVATORY VALLEY LANE,
VOKAS BHAVAN, THIRUVANANTHAPURAM.

BY ADV. SRI.V.SURESH
SRI.G.SUDHEER

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY ITS
SECRETARY, SECRETARIAT, THIRUVANANTHAPURAM.

2. CORPORATION OF THIRUVANANTHAPUAM,
REPRESENTED BY ITS SECRETARY, THIRUVANANTHAPURAM.

3. VAMADEVAN, S/O. KUNJACHAN,
PRAVAH, TC 14/785,OBSERVATORY LANE, PALAYAM,
THIRUVANANTHAPURAM.

R1 BY SR.GOVT.PLEADER SRI.K.J.MOHAMMED ANZAR.
R2 BY ADV.SRI.N.NANDAKUMARA MENON, SC.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 19/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

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W.P.(C)No.23203 OF 2007

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DATED THIS THE 19TH SEPTEMBER, 2007

J U D G M E N T

I find merit in the submission of Mr.N.Nandakumara Menon, Standing Counsel for the 2nd respondent-Corporation that since regular civil court is already in seisin of the matter at the instance of the 3rd respondent, the Corporation may not be able to pass effective orders on Ext.P1 and Ext.P1(a) even if they are considered. However, since the request of counsel for the petitioner is only to direct the Corporation to consider Exts.P1 and P1(a), I dispose of the Writ Petition, without going into the merits of the grounds, issuing the following directions:-

The 2nd respondent-Corporation will take up Exts.P1 and P1(a), issue notice to the 3rd respondent and the petitioner, hear both of them and take a correct and just decision on Exts.P1 and P1(a), on the basis of the submissions which may be addressed by the petitioner and the 3rd respondent during hearing. Decision as directed above shall be taken by the Corporation at their earliest.

(PIUS C.KURIAKOSE, JUDGE)

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